

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIONTAE JOHAN DUNCAN,
Plaintiff,
v.
CHCF WARDEN, et al.,
Defendants.

No. 2:24-cv-00775-CKD

ORDER FINDINGS AND
RECOMMENDATIONS

Pursuant to this court's screening of plaintiff's original complaint pursuant to 28 U.S.C. § 1915A(a), the court found that the complaint stated cognizable claims against defendants Rivera and Seohol, but did not state a claim against defendants Johnson, McCloud, the CHCF Warden, and John Does 1-4. ECF No. 17. The court gave plaintiff the option of proceeding on his original complaint or filing an amended complaint that added a cognizable claim against defendants Johnson, McCloud, the CHCF Warden, and John Does 1-4. Plaintiff chose to proceed on his original complaint against defendants Rivera and Seohol, effectively choosing to terminate this action against defendants Johnson, McCloud, the CHCF Warden, and John Does 1-4.

Accordingly, IT IS HEREBY ORDERED that the Clerk shall assign a district judge to this action.

IT IS HEREBY RECOMMENDED that:

1. Defendants Johnson, McCloud, the CHCF Warden, and John Does 1-4 be dismissed

1 from this action for failing to state a claim against them.

2 2. The Clerk of Court update the docket to terminate these defendants from this action.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
8 shall be filed and served within fourteen days after service of the objections. The parties are
9 advised that failure to file objections within the specified time may waive the right to appeal the
10 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: October 2, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17
18
19 12/dunc0775.14option.fr
20
21
22
23
24
25
26
27
28